

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ALLEN HIRATSUKA,

Petitioner,

vs.

EARL HOUSER,

Respondent.

Case No. 3:21-cv-00018-SLG-MMS

ORDER REGARDING MOTIONS

Allen Hiratsuka, representing himself from Goose Creek Correctional Center, has filed a habeas petition under 28 U.S.C. § 2241, claiming the violation of his federal constitutional rights in his state criminal case.¹ The Court appointed counsel for Mr. Hiratsuka, who has withdrawn from the case, and a response is due on July 21, 2021.² Mr. Hiratsuka has now filed (1) a “Motion for Clarification & Release Pending Adjudication of Federal Investigation into State Obstruction of Justice and More,” and (2) a Motion to Compel, to which the Respondent has filed an opposition.³

¹ Docket 1; *State of Alaska v. Allen Hiratsuka*, Alaska Superior Court Case No. 3DI-18-00319CR.

² Dockets 26, 27, 28.

³ Dockets 29, 30, 31.

The Court takes judicial notice⁴ that state trials, which were postponed because of the Covid-19 pandemic, have now resumed.⁵ The state court's public record indicates that a pretrial conference was held in Mr. Hiratsuka's state criminal case on June 14, 2021, and another hearing is scheduled for August 16, 2021.⁶

1. Motion for Clarification & Release Pending Federal Investigation into State Obstruction of Justice and More ...

This Court is not aware of a federal investigation into any alleged obstruction of justice by the state, as implied in the title of the motion. Mr. Hiratsuka asserts that at the hearing held on June 14, 2021, his state criminal attorney "indicated to the court that this case could not move forward at this time, as this is a federal case now."⁷ For clarification, Mr. Hiratsuka's state criminal case has not become a federal case.

⁴ Judicial notice is the "court's acceptance, for purposes of convenience and without requiring a party's proof, of a well-known and indisputable fact. . . ." *Black's Law Dictionary* (11th ed. 2019); see also *Foster Poultry Farms v. Alkar-Rapidpak-MP Equip., Inc.*, 868 F. Supp. 2d 983, 990 (E.D. Cal. 2012) ("Courts routinely take judicial notice of publicly available records . . . from other court proceedings.") (citing *Engine Mfrs. Ass'n v. South Coast Air Quality Management Dist.*, 498 F.3d 1031, 1039 n.2 (9th Cir. 2007) (additional citation omitted)); Fed. R. Evid. 201.

⁵ See <http://www.courts.alaska.gov/covid19/index.htm#socj>; <https://alaska-coronavirus-vaccine-outreach-alaska-dhss.hub.arcgis.com> [<https://perma.cc/LRM6-VCFV>] (as of 7/9/21, 641,623 Covid-19 vaccine doses had been given in Alaska).

⁶ <https://records.courts.alaska.gov/eaccess/home.page.2>, *Alaska v. Hiratsuka*, 3DI-18-00319CR.

⁷ Docket 29 at 1-2.

2. Motion to Compel

Mr. Hiratsuka requests that this Court compel the Superior Court for the State of Alaska to allow him to represent himself in his criminal case. This Court must abstain from intervening at this time. Mr. Hiratsuka should file no further motions in this case until the Court has an opportunity to review the Respondent's response which is due in two weeks.

Therefore, IT IS HEREBY ORDERED:

1. The Motion for Clarification, at Docket 29, is GRANTED IN PART. To clarify, Mr. Hiratsuka's state criminal case has *not* become a federal case. The proceedings in the above-captioned case do not give reason to postpone the proceedings in *State v. Hiratsuka*, 3DI-18-00319CR.

2. The Motion to Compel, at Docket 30, is DENIED as premature.

Dated at Anchorage, Alaska this 9th day of July, 2021.

/s/ Matthew M. Scoble
United States Magistrate Judge